

**Town of Milton  
Planning & Zoning Commission  
March 18, 2008**

**Members Present:**

Linda Rogers	Virginia Weeks	Louise Frey	Ted Kanakos
Dean Sherman	Bill Brierly	Michael Filicko	

**Absent:**

Bernice Edwards	Gene Steele
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**Others Present:**

Robin Davis	Debbie Pfeil	John Brady	Bob Kerr
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**Linda Rogers called meeting to order at 7:10 pm**

Linda Rogers: We will be open tonight's meeting of Milton's Planning & Zoning Commission. First item on the agenda is either any additions or corrections to the agenda? There no additions or corrections to the agenda, we will move along. Minutes February the 19<sup>th</sup>, excuse me? What? I know. Oh, you want a motion on the agenda since there were no changes? Ok. We will have a motion to accept the agenda as submitted.

Dean Sherman: So moved. Second?

Virginia Weeks. Second

Linda Rogers: We have a second to approve the agenda as submitted. All in favor? (All say "I") Oppose?

**Approval of Minutes**

Linda Rogers: Next to minutes, does anyone have any corrections or additions to the minutes of February 19, 2008?

Dean Sherman: Item 2 and 3 seem to be incomplete. I have a draft copy but I don't know if it's final or not. Very last Linda Rogers we have a second motion for the second and it stops here, I think it's a typo. I think the motion we approve the minutes as amended.

Linda Rogers: With the corrections?

Dean Sherman: With the correction!

Linda Rogers: We have a motion to approve the minutes as submitted with the correction. Is there a second?

Louise Frey: Second

Linda Rogers: We have a motion on the second to approve the minutes as submitted with correction. All in favor? (Response) "I". Oppose – (No response)

### **Revision to Final Master Plan – Heritage Creek**

The applicant, Heritage Creek, is requesting a revision to the final master plan. The property is located on Route 5 and is further identified by Sussex County Tax Map and Parcel # 2-35-20.00-56.00.

Linda Rogers: Is there anyone present on behalf of this application?

Jeff Clark: Yes, Thank you. For the record my name is, Jeff Clark, with the firm of Land Tech – Land Planning. We are here tonight representing this application. You may recall we were here some month's ago with a request for this master plan to maintain the same density and generally the same street pattern, but to reduce the retail component on the main street of the main cart way coming into the project and replacing it with single family detached housing. At the time, there were a couple of changes that we discussed on the record which at your recommendation suggested suggestions we have made most notably was this area here where we introduced a new street. As you recall we had an open space issue that we discussed at some length and then we have come back to you and your town engineer with this proposal where we dispersed that open space through the block. As you recall we talked about when brought the plans to you before we had a flipped arrangement of this community center area which we have brought more into the center of the site plans you see here. Other than that, I believe the rest of the plan that evening was found to be acceptable so we made those changes and then which you will hear in a few minutes is that we then amended the construction documents in the record plat to conform to this to have, if you will old package for the town to approve to allow us to move forward with construction.

Bill Brierly: I believe you also reduced the amount of the commercial area and enlarged some open spacing.

Jeff Clark: Yes, sir we did. We have one area right along the route 5 there that has remained as a commercial district right at the gateway of the community. That's correct. If there any other questions, why that's essentially what's ...

Linda Rogers: Does anyone have any other questions about the applicant? Bob, do you have any?

Bob Kerr: The only comment would be that, I have reviewed the drawings and they have the changes you requested, and there were some typo's and things they have been modified and I believe they are ready if you so choose to accept it this evening.

Linda Rogers: As the master plan?

Bob Kerr: As the revised master plan.

Linda Rogers: Ok. Would someone like to make the motion with reference to this master plan?

Bill Brierly: I make a motion that we accept the revised plans presented tonight for the...I motion that we accept the revision to the final master plan at Heritage Creek as submitted.

Linda Rogers: We have a motion, is there a second?

Michael Filicko: I second.

Linda Rogers: We have a motion and a second to accept the revised final master plan of Heritage Creek. All in favor roll call.

Ted Kanakos: Yes.

Bill Brierly: Yes.  
Dean Sherman: Yes.  
Linda Rogers: Yes.  
Michael Filicko: Yes.  
Louise Frey: Yes.  
Virginia Weeks: Yes.

Linda Rogers: Motion carried. Next item on the agenda is:

**Revision to Record Plan & Site Plan for Phase 2 – Heritage Creek**

The applicant, Heritage Creek, is requesting a revision to Phase 2 record plan and site plan. The property is located on Route 5 and is further identified by Sussex County Tax Map and Parcel # 2-35-20.00-56.00.

Linda Rogers: Is the applicant present to make the presentation?

Jeff Clark: Yes, thank you, for the record my name is Jeff Clark. The master plan that I just presented to you a minute ago is the same plan as you have before you in color. We are showing a portion of that plan that we have identified as phase 2 – A and 2 – B. Phase 1 is the wooded portion of the site that is separated from the overall parcel by the wetland branch if you will. Phase 1 is of record and is unchanged as a result of all these revisions that we've made. So, again I believe this is the same arrangement configuration that we have presented to you earlier, this plan then sets the stage for the revisions that were made to the construction documents, the engineering documents. Are there any questions, I would be glad to answer?

Linda Rogers: Does anyone have any questions of the applicant?

Bob Kerr: Town engineer. The construction drawings have been reviewed and all of the changes modifications necessary to those are now acceptable. The record plan has been reviewed and they have met all of the conditions required for your recommendation to forward this to Mayor and Council for their final approval.

Linda Rogers: Would someone like to make a motion?

Bill Brierly: I motion that we accept the revisions to record plan and site plan for Phase 2 Heritage Creek as submitted.

Linda Rogers: We have a motion to accept as submitted. Do we have a second?

Bill Brierly: And also add to that motion for to Mayor and Council.

Linda Rogers: Ok, the motion has been amended, is there a second?

Ted Kanakos: A second

Linda Rogers: We have a motion and a second to accept this as submitted and forward it to the Town Council. A roll call vote?

Ted Kanakos: Yes  
Bill Brierly: Yes  
Dean Sherman: Yes  
Linda Rogers: Yes  
Michael Filicko: Yes  
Louise Frey: Yes  
Virginia Weeks: Yes.

Linda Rogers: Motion Carried.  
Jeff Clark: Thank you very much.

Linda Rogers: Next item on the agenda,

**Final Site Plan Review – Milton Theater Parking Lot**

The applicant, Milton Development Corporation, is requesting final site plan approval for a parking lot to be located off Front Street behind the Milton Theater. The property is zoned TC (Town Center) and is further identified by Sussex County Tax Map and Parcel # 2-35-14.19-112.00

Linda Rogers: Is there anyone present on behalf of this application?

John Chirtea: I'm a volunteer here at the Milton Theatre and I've been working on this parking lot for a little while and you may recall that a preliminary site plan was submitted to you back in May of last year. This is my friend Dr. Wagner right behind me. If I can't answer the question he'll make it up. At that hearing last May a number of questions were raised and I would like quickly go through those and you all have a copy of the site plan before you it's been submitted and I believe we've made all the changes that have been requested. The wall that was shown, the navy wall, has been built and in fact we have now built the guard rail across the top of that wall. It was requested that stop blocks be put on each of the nine parking spaces, on the parking lot and these have been shown on the final plan. There will be stop blocks there and there will also be striping on the paving. A question was raised at the preliminary hearing as to what the surface of the parking lot should be, and it was requested that it be, a dust free, permeable surface. Well, we looked and tried to figure out what would meet that requirement. Within a reasonable budget, needless to say, well what seemed to make the most sense is a material called an open graded hot mix. You have pictures in you package in front of you. It looks like a picture of paving. It's basically looks like paving, and it is paving only it has a material in it that allows water to permeate through the paving and go into the sub surface. So that in effect is what we're recommending for a dust free permeable surface. You asked about the lighting. The existing building has lighting, there are two sets of lights and they operate all, during all the dark hours. They go off at dawn and come on at night time. We were asked to the Sussex Conservation District regarding the drainage from the site, we have done that and you have a letter in your package that says, Sussex Conservation District. Sussex Conservation is fine with the drainage as we've shown it on that final site plan. You have asked for some landscaping, and we have included some landscaping at the base of the wall. In the preliminary plan we had showed it on the top of the wall but it didn't make sense to take space out of the parking area, so we just put it at the bottom of the wall and we added Magnolia trees. Additionally, we added small parking areas shown as landscape area number 2 on your plan and that would be planted with seasonal plants. With regard to that we've also extended the curbing about another 30 ft. or so from the corner where the walls end up to where the entrance to the parking lot is, and it will boarder along Front Street. You've raised a question of who owns the street, well, our engineers researched that and he has assured me the Town of Milton owns that street. So that's all I can say about that. There were a couple other word

changes that were shown on the plan which we have made. We've shown the limits of the wetlands, we've shown where the flood plain is, we've also included copies of the approvals that we have received from the U.S. Corp of Engineers for the building of the navy wall which has now be built. Also you have asked that we go to the Fire Marshall and have him approve this plan. We did. We submitted a plan to the Fire Marshall and you have a copy of the letter in your file approving the plan. I believe those were the major items you had asked for and discussed at the meeting back in May. I will be glad to answer any additional questions you may have.

Linda Rogers: Does anyone have any questions for the applicant?

Virginia Weeks: Linda, in the plan reported suggests that we insure that the applicant has received all the approvals. Do you have all those? The sediment erosion control, and the storm water and all the Sussex Conservation District they've approved the ...

John Chirtea: There's a letter with response in the packet.

Virginia Weeks: Thank you.

Linda Rogers: Any other questions? Bob?

Bob Kerr: We've received the drawing on March 10<sup>th</sup> and did a review of the final drawing. I'm not sure that everybody got my comments, I did e-mail them. I understand maybe that some of you didn't. I'm having a couple of problems with e-mail, so I hope you got them, but just briefly there are 5 comments. The proposed parking area shown to be constructed of an open graded mixed stone asphalt. I'm assuming that this is an open graded hot mix. An open graded hot mix has very few fines so water will be transmitted through it. But there is nothing on the drawing that shows or talks about where the water then goes. Does it go down into the sub base or does it drain off within the paving and if it goes down into the ground, is it capable of absorbing that water or it the under laying soil such that it's not permeable. So that there's no place for the water to go. There is no detail on the thickness of the paving, thickness of the base. What the ultimate discharge point is. Second item would be that there is no elevation shown which way the parking lot is going to drain. I think we kind of all know it's going to drain toward the river, but there are no elevations that show what's happening. Lighting is shown on the parking area, but I have no idea what the impact will be on existing properties as there's no detail. They just call, lighting on the sides of the building. Next item on the landscaping, there is 5 Sweet Bay Magnolia trees are shown to be planted along the bulkhead. These are planted in the Federal Wetlands, and are within the flood plain. The Magnolia trees are, they do grow in a wet environment, but at times this is also a salt environment, salt water environment. I'm not sure; I'm not the landscape guy. Whether they are appropriate to be planted in the Federal wetlands area and whether they will survive in that particular environment that close to the water which is occasionally brackish or salty. And then one of the comments before was a curbing should be provided along their side of Front St. from where it stops on Front Street to the property and then along the property. They have shown that along the property, along their property, but not along the adjoining property. The reason for that was so that it defines the entrance point. Their dedicating a part of their land to provide the driveway for the adjoining property. But as it's shown, there's kind of 80 feet or so that could be used for the driveway to the adjoining property, and / or for other parking or people cutting across the area to enter the parking lot. So those were items, that were I think discussed at your original meeting that are not fully defined on how their going to do it, and just for you consideration.

Linda Rogers: Does anyone have any questions for Bob?

Virginia Weeks: I do. Bob your concerned about the curbing. Their required to have a delivery area and a loading area. If we were to require all the curbing up along the other way, would a large truck be able to turn in there? Because Front St. is awfully narrow. Or would that truck be going over the curbing and ruining it?

Bob Kerr: There is existing curbing for about the first 47 feet back of Front St. I don't know that a large or any size of a large truck is going to be able to get back there with or without curbing.

Virginia Weeks: Ok.

Bob Kerr: The idea would be that a truck that is going back there shouldn't be cutting across the adjoining property owners property anyway. They should stay on the street and then pull into parking lot. And really that's part of it is to keep people off the adjoining property.

Virginia Weeks: Ok, thank you.

Bill Brierly: I have a question. You, in item #1 about the open graded hot mix. You leave a lot of grey area there, but you don't really say that this is something that should be accepted or this is something that should not be accepted.

Bob Kerr: It is a private parking lot and I; the town does not have a standard other than it be dust free. But we typically try to look and make sure that there is a minimum thickness of hot mix. There isn't one defined, but what is a 1 ½ to 2 inches is typically the minimum thickness of hot mix and that there be some amount of stone or select material underneath that to provide support for the over lying pavement and with the porous open graded hot mix being used as the drainage then it becomes even more critical what's underneath. My first experience with the porous or the open graded hot mix was the parking lot at the University Of Delaware. That worked real good as a storm drainage means until we had a snow storm and the university went in and put a lot of sand down on the parking lot and thus ended the ability to handle water. They tried vacuuming it out and thing like that, but I think today if you go to that parking lot it's since been repaved and that was a few years ago so I'm sure it's been repaved. Those kinds of problems. We don't have anything in the books that I can say, "Ye shall not do this." But it becomes something that you, as the commission, can look at what you would like to see as far as details.

Bill Brierly: So assuming that we don't know what the ground underneath is like, we can either take a chance on this open porous or we can have them have an examination made of the ground underneath, or we can just say they really should go with standard asphalt paving and graded such so that it runs off properly. It that pretty much where we're at?

Bob Kerr: I think those would be the choices, the difficulty is that there is nothing in the zoning ordinance that fully defines what – how far you can go other than the – it's suppose to be to good engineering design.

Linda Rogers: Does anyone else have any questions or comments?

Virginia Weeks: Bob, the fact that this is an impervious or rather pervious topic. Would that – would the Sussex Conservation District have to be notified of that because does that change the storm water management?

Bob Kerr: I don't believe so. Their letter of what their approval really contains is a letter of no objection because the disturbed area is less than 5,000 square feet and it is just barely under the 5,000 square feet.

Linda Rogers: Anyone else have any questions or comments?

John Chirtea: Could I make a comment in response to Mr. Brierly's question and Bob's comments about the parking lot. Quite frankly, the ordinance I think as Bob said, calls for a dust free area for paving in Milton. Quite frankly, we agree with dust free. Quite frankly I'd rather not do the permeable - the issue of the sand being poured on in the winter time of a sub-base it's a less stable mixture than a normal paving. But you have to realize is that all of the grade of this site comes down basically either water will run off into the flood plain area and into the area - runs into the river there and we have a drain. We've specifically designed it for the water to come to that drain. All the water that's collected on that site now or had been, basically went through was infiltrated into the ground drain down and went over into the wetlands area. We would prefer to do just the straight paved area. Number one, it's not as expensive as the open mix. It makes more sense, it's more stable and all the water will end up in the same place anyway. It goes out into the pipe, off the parking lot into the wetlands area. So, I would ask that we be allowed to amend that plan which says open graded to just the plain paving. It makes more sense.

Ted Kanakos: Excuse me. You are saying that the majority of the run off will go through a drain, and not roll off the surface.

John Chirtea: Yes. That's right.

Ted Kanakos: The surrounding area.

John Chirtea: Yeah. And it ends up at the same place anyway. It ends up in the wetland area. It all ends up there anyway. And we specifically - in fact we've even added a drain from the building - not out of the building, but out of the pick up point from the building to take it and put directly in as again sitting on the parking lot and a muddy mess over there. Yeah, it all ends up...

Ted Kanakos: The run off from the building also goes into the parking lot drain.

John Chirtea: Exactly. There's one - actually two catch basins, but the one is up stream a little bit and the other one is where everything drains down to that second one is only if there is ever any flooding on it. It takes - it relieves any additional run off that would happen.

Bob Kerr: There are two catch basins shown there are no elevations shown to be able to verify that. Sitting across the river this evening looking at the land, it looks like the majority would by pass the catch basin and go directly to the wetlands. Also I don't know how or if there any means for water to drain through the bulkhead or whether it becomes an impediment to the drainage. (Inaudible) There may, there were no details submitted with this for review.

Linda Rogers: Without these details, can we even review it this time?

John Brady: Can you repeat the question?

Linda Rogers: Without these details, being on the plan, can we review it at this time?

John Brady: It will take a moment just to go over the code section with you. I think the answer will be there for you.

Linda Rogers: OK.

John Brady: The final site plan under 6.18 shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been recommended by the Planning & Zoning Commission to final review. All revisions shall be clearly indicated by applicant. 6.1.9 You have to render a decision within 60 days. At

this point if you determine that you need to have additional information on the face of the plan you have two options. I can't out scream the sirens, so I'll try and make this as loud as possible. You can defer it until next month's meeting to have those things on the final site plan understanding the 60 day time period starting with the submission which was what date Robin? I think it was March 6<sup>th</sup>, so that gives us the 60 days until May 6<sup>th</sup>, so the April meeting is included in there. The other part is under 6.1.9.3 specifications from improvement shown on site plan shall set in forth in the ordinance. So I would suggest that if there are some items missing from the legend to get the legend of the site plan corrected and have it turned in and then it can be subject for approval at the next meeting. You could defer tonight. The other option you could do is, if it's clear what those items need to be on the legend, you could have it passed subject to those items being placed on the final plan. And then you could approve it at that point.

Linda Rogers: Thank you.

Ted Kanakos: I have a question. What you're saying is that you came here with the proposal that you would use a certain type of asphalt. How can we approve it if you're changing the type of asphalt? Well their using a certain type of paving. (Inaudible) And they want to go to a different type, I mean just that specification should be formalized.

John Brady: The way our ordinance reads "a dust free surface" "a dust free surface" And if their doing a dust free surface, they have options within that based on the best deal they can negotiate at time, as long as it's a dust free surface.

Michael Filicko: A question for Bob, please. Bob, the surface that exists now on the plan before us. When the water runs through the blacktop the way it is, there is stone underneath that, correct?

Bob Kerr: There are no details on the drawings saying what is under the hot mix. There is stone in the parking lot now, I believe. But I don't know that it's going to remain or how thick it is, I have no details on the construction of the parking lot. Other than it's going to be at this point it's called out as an open graded hot mix. I don't know, it could be 1/4 of an inch thick, it could be 10 inches thick, there's no details. There's no details on how thick the stone base underneath it would be.

Michael Filicko: Would the stone base underneath serve somewhat of a filtration system?

Bob Kerr: It doesn't really filter, it does have a little bit of storage capacity, but the base is really to move the water away from the paving. Hopefully either into the ground or completely to a discharge point. You want the water to get out of that as fast as possible so that you don't get a lot of freeze action which would cause the pavement to heave. And that's when you get pavement failure. I think my concern is more that in some relatively short period of time, this without any details you no information whether the parking will be here next year. It may not make it through many winters. And it might, I just don't have any details that tell me.

Ted Kanakos: Are they required to in fact submit 1 inch, 2 inch and 3 inch. Do we have standards for that?

Bob Kerr: We do have a standard, but typically we require the paving cross section to be shown. We do have a standard on town maintain streets. Again, we're no quite as concerned because it is their parking lot to maintain.

Michael Filicko: John, Dr. Wagner do you have any information on..?

John Chirtea: Yes, I can comment of that and I'll be more than glad to make a revision to the plan resubmit it to you, showing it to you and requesting a paved parking lot and I'll



do a cross section and more than likely it will be like 3 inches of paving material and more or less 4 or so inches of sub grade. Which is already there, quite frankly, and we will re-grade for the final grading. Will show a spec what is called for in a parking lot. And it will be as required by your ordinance as a dust free parking lot.

Ted Kanakos: How about the next four items now. You will address these and revise these when you come back?

John Chirtea: Well as I look at that I'm not sure the lighting...

Ted Kanakos: I would like to know what the curbing is all about actually.

Dr. Wagner: Yeah, Well I show the curb, there's a profile of the curb on there, and we've put the amount of curbing that we have requested that you approve which is an increase from what was shown on the preliminary plan.

Ted Kanakos: You'll do the grades? For the parking area? It's the second item.

Dr. Wagner: Sure, No problem.

Ted Kanakos: And you'll identify the lighting?

Dr. Wagner: Absolutely.

Ted Kanakos: Ok. And now the Sweet Bay Magnolia Trees. Where are you with that?

Dr. Wagner: We'll get something that assures us that Magnolia Trees will survive in that area.

Ted Kanakos: That's fine.

Bill Brierly: I would ask the commission to provide a little bit more information on whether curbing is required along Front Street with the adjoining property. The preliminary comments discussed paving from where the curbing stops on Front Street to the edge of your property or running along Front St. to the river.

Michael Filicko: Getting back to the pavement issue. As I recall, there was a gentlemen here from the, I don't know if it was the National Conservation Society, someone was here in the audience and they were discussing how detrimental a surface would be where the water would not go through a pervious parking lot, and how that would be detrimental to the environment. Does anyone recall?

Ted Kanakos: Yeah.

Michael Filicko: I believe it's in our notes.

Ted Kanakos: It was Jim Welu, I think. He's part of some National Association of International Universal Conservationist or something. He had commented on that and I don't know how in fact, I don't believe it was applicable at the time. But, it's probably in the minutes. It can be researched.

Bill Brierly: Jim Welu is also on the Broadkill Tributary Team, and I think that's where he was coming from.

John Brady: Minutes from May 30, 2007 page 5 halfway down the page.

Michael Filicko: Do we have those here?

Virginia Weeks: No.

Michael Filicko: Do we have them here? There here. I recall reading something. Where are they?

Virginia Weeks: Bob, you're concerned on the curbing. Alright, looking at the site plan, here is the deeded shared driveway. I'm just trying to get to...followed by the proposed natural landscape area. Correct? Going towards the pond.

Bob Kerr: Yes, I'm with you now.

Virginia Weeks: Where is it exactly that you would like to see more curbing?

Bob Kerr: Beginning at the shaded driveway and going back toward Union Street to where the curbing stops on Front Street. There's curb the first 47 feet more or less on Union Street. Then there's a gap of approximately 80 feet and then the curbing would start on the North side of the shared driveway. (Inaudible talking among themselves) For the record Dr. Wagner has just said that where they show existing curbing to stop it does extend on along the property line to their property. But it is not shown on the drawing, and that's the problem. The only thing I have to review is this drawing in front of me.

Virginia Weeks: Thank you.

Michael Filicko: Mr. Brady? The town requires that a dust free parking surface be applied. What could the Theatre do to somehow do something that's different than that that is better for the environment? Just because the town requires it to be dust free, doesn't necessarily mean that that is the best thing to put down on the surface in that area because of the Broadkill River. I know it's code, but...Code seems like it's wrong in this instance.

Ted Kanakos: They meet the standards and I think they also have some financial considerations.

Michael Filicko: I mean clamshells would seem more environmentally ....

John Brady: Sorry to interrupt you. This came up at the May 30<sup>th</sup> public hearing and my opinion remains the same. Their not required to have a parking lot. You can wave the total parking area for them because they are in the Town Center. But if want a parking lot, they have to do it by the code. And the code says, a dust free surface. I can't comment on the environmental attributes of limestone or clamshells or anything like that because the code is currently written doesn't permit it. So, we could talk all night about it, but my opinion will stay the same. No. There are two ways it can be changed. # 1. If the Town Council changes the ordinance or #2 if the Town Council changes the ordinance to give you the discretion to wave that. But under the current zoning code for the Town of Milton, the only thing you can do is wave the parking altogether. They don't have to improve the parking lot from the current situation right now because they are in the Town Center. (Lady's voice inaudible) Ok, well it says they started to haul the gravel in, so they have to do something. (Laughter) Last year when I gave the opinion, they hadn't done that so I said that they didn't have to do anything. There's not a requirement for parking if they are in the Town Center and it's waved. But the only thing you can do is to wave the parking you can't wave the surface type. Sorry.

Linda Rogers: So what's your pleasure?

Virginia Weeks: I just have another quick question?

Linda Rogers: Oh yeh, Debbie, what's your comment? Sorry.

Debbie Pfeil: Go ahead Mrs. Weeks. Go ahead.

Virginia Weeks: I was just wondering, I understand that 10% of the parking area should be devoted to landscaping. Do the wetlands....is that.... Does that satisfy our requirements?

Bob Kerr: In the absence of any definition that says it does, or doesn't, I assume that the wetlands was part of the open space of landscape.

Virginia Weeks: Ok, fine. I just wanted to get that into the record. Thank you.

Linda Rogers: Debbie?

Debbie Pfeil: Thank you. I'm going to skip over the generalities, we have three pages of comments from me, but as you have requested in the past do not be redundant on some of

the items. Basically one again I made a comment about the plans not reviewed by this office for type of parking lot surface nor drainage and is being reviewed by the town engineer. It recommended the town review any off site improvements that may be needed at the expense of the developer. Such as the extension of curbing and paving from Front Street to the proposed driveway. I believe that Mr. Kerr has made comments on that and I would have to agree with the extension of the curbing. I do not know if it is or is not existing as we only reviewed by the plan. If it's not there, it would be at the discretion of the Planning Commission. I would have to agree with Mr. Kerr for the installation of that at your discretion. The other one that I have is, the parking does not address the design nor surface for proper drainage. The same thing there. All parking area should be paved with a suitable all weather dust free surface. I would like indorse Mr. Brady as well that is does have to be dust free. The landscaping their proposing a landscape area to not show what is to be provided in landscape are #2 if it's one tree, no trees, seasonal, I'm not sure what would be required in that other than a landscaped area. The two questions that we have, that I have, is the type of surface and determining the off set improvements for the applicant tonight. That is all of my comments in a nutshell.

Linda Rogers: Thank you. Do any of you have any questions for Debbie? Or Comments? Ok, what's your pleasure Ladies and Gentlemen?

Ted Kanakos: We should make a motion defer.

Linda Rogers: Are you making that motion?

Ted Kanakos: Yes, I make a motion to defer until revisions to the final plan are made.

Linda Rogers: Do we need to list the revisions that we want them to put on the plan?

John Brady: That would help the applicant.

Linda Rogers: Let's list the revisions that you want.

Ted Kanakos: Well, according to Bob Kerr and what we discussed. The grade, the curbing, landscaping, the lighting is going to be identified and of coarse the change exactly what you are going to use on the parking lot.

Virginia Weeks: May I add to that?

Linda Rogers: Sure.

Virginia Weeks: I believe Bob also asked for construction details including a paving cross section to be shown.

Ted Kanakos: We can include that.

Virginia Weeks: Thank you.

Linda Rogers: Does anyone else have any that they feel need to be added to the plan. We have grade, curbing, landscaping, lighting, surface of the parking lot and a paving cross section. Does anyone else feel there's anything that they need to add to these plans before they are brought back?

Michael Filicko: Linda, I do believe that the parking surface should remain as it is and not change.

Linda Rogers: Ok, so noted. Ted? Your motion ok to defer with the following changes; To show on the plan, the grade, curbing,(existing and proposed extension) landscape, lighting, surface for which the parking lot will be paved with, and paving cross section.

Ted Kanakos: Correct.

Linda Rogers: Did we forget anything?

Virginia Weeks: Was there a landscaping?

Linda Rogers: Yes. Ok, we have a motion to defer and I have the six items to be added to the plan before it is brought back. Is there a second to that motion?

Virginia Weeks: I'll second that.

Linda Rogers: We have a motion and a second. All in favor, roll call.

Ted Kanakos: Yes.

Bill Brierly: Yes

Dean Sherman: Yes.

Linda Rogers: Yes.

Michael Filicko: Yes.

Louise Frey: Yes

Virginia Weeks: Yes

Linda Rogers: Motion carried to defer action.

John Chirtea: Could I ask for a clarification please? I think the question that was last raised about keeping it as a permeable surface is a pretty important one in terms of whatever in backing we don't get back starting at square one again. The ordinance calls for a dust free surface, that's what we would like to put in. Is a dust free surface. But I'd rather not revise a plan and come back here and then have another round robin about, excuse me Robin, about what the surface should be. At the hearings.....(everyone talking among themselves)

Ted Kanakos: We're accepting that it will be paved, just a different type of paving that they showed up with this evening.

John Chirtea: Right.

Debbie Pfeil: The clarification is dust free or be up to the applicant to determine if you if you are going with what you have tonight, or what you suggested on your plan before.

Ted Kanakos: Both dust free.

Debbie Pfeil: As long as it is dust free.

John Chirtea: Fine, we can do that.

Debbie Pfeil: And the only comment is would have is, the due date. If you want to be heard by the April meeting, it's going to be the first business day of April. But submitted after that date it will be heard in May.

John Chirtea: We'll have it.

Debbie Pfeil: I thought so.

John Chirtea: Thank you.

(Talking among themselves, unintelligible)

Linda Rogers: All right Ladies. The next item on the agenda is the concept plan review for change of use for 105 Front Street.

### **Waiver Request – 105 Front Street**

The applicant, Richard Ashby, is requesting a waiver of the requirement in Section 6.1.1 of the zoning ordinance that a site plan shall be prepared by a

licensed architect, surveyor or professional engineer. The plan review is for a proposed change in use from an auto repair shop to office space located at 105 Front St. The property is zoned TC (Town Center) and is further identified by Sussex County Tax Map and Parcel # 2-35-20.07-79.00.

John Brady: Let me make one thing real clear on this. This is a limited issue in D. The question is being presented. Your ordinance requires that when you file a conceptual plan it should be prepared by licensed architect, surveyor, or engineer. 6.1.1 Says in the last sentence, such requirements maybe waved based on the complexity the site features and of the proposed structures or land use as related to same. The applicant is coming forward asking you to waive that because there's not going to be any real general change in the exterior of the building or in the parking lot or that area. And the only change is that the applicant is indicated would be interior in nature.

Debbie Pfeil: But the exterior is not for the foundation.

John Brady: The exterior is not for the foundation. Be it an awing or roof or...

Bill Brierly: Garage doors.

John Brady: Closing the garage doors. That's why your hearing on the waver first and if you grant the waver, then you'll go to E. If you deny the waver, then E becomes moved until next month. Is that clear?

Dean Sherman: Very clear.

Ted Kanakos: Excellent.

Dean Sherman: Make a motion we grant the waiver for the architect, survey, or professional engineer, due to the fact that it is conceptual at this point. And, there's nothing ...there's not issue here structurally, it's all cosmetic.

Virginia Weeks: I second that.

Linda Rogers: We have a motion and a second to accept the waiver of the architect, survey, or professional engineer. All in favor, roll call.

Ted Kanakos: Yes.

Bill Brierly: Yes.

Dean Sherman: Yes.

Linda Rogers: Yes.

Michael Filicko: Yes.

Louise Frey: Yes.

Virginia Weeks: Yes.

Richard Ashby: Thank you.

Linda Rogers: Motion carried.

Linda Rogers: Now we go to the;

### **Concept Plan Review for Change in Use – 105 Front St.**

The applicant, Richard Ashby, is requesting a conceptual plan review for a proposed change in use from an auto repair shop to office space located at 105 Front St. The property is zoned TC (Town Center) and is further identified by Sussex County Tax Map and Parcel # 2-35-20.07-79.00.

Linda Rogers: Is there anyone present on behalf of this application?

Richard Ashby: I am.

Linda Rogers: Ok.

Richard Ashby: Basically I'm taking the service station and closing in the two bays, dry walling the service bay area and turning it into office space. I'm going to be running basically the mortgage company. I have been in the town for ten years. Five years about 100 yards from this location, with Gateway Funding. I will move the office to there as far as to do some additional things from just the mortgage company.

Linda Rogers: It is one office?

Richard Ashby: There's no partition walls. I'm using existing walls, not changing any foundations. Just opening office space.

Linda Rogers: Does anyone have any questions of the applicant?

Virginia Weeks: Mr. Ashby. How many signs are going up?

Richard Ashby: There is three.

Virginia Weeks: There's three. Will they be uniform in design and size?

Richard Ashby: Yes.

Virginia Weeks: Thank you.

Linda Rogers: Does anyone else have any questions? Debbie, would you like to make a comment?

Debbie Pfeil: Can you hear me now? I do have comments. On the first one for procedural. As everybody is aware, prior to the issuance of a building permit for construction, expansion or change in use, of any use a site plan and supporting documentation must be submitted to planning & zoning. This is the step we are on as far the waiver is. The second bullet is conceptual requirements. After a conversation with Mr. Ashby, he is aware that he will need a license professional to submit his application to the Department of Transportation as well as preliminary site plan to the Town. The applicant has provided conceptual requirement information in a packet. The next page under zoning regulations. The code of the Town of Milton, Article 4.4.2A.11, allows a general business office under permitted principal uses. During the initial meeting with the applicant, he stated that he was interested in dry cleaning, pick-up drop off, copy/ mailing center, mortgage business and property management office. Some of these uses may fall under personal service establishment as we determine. The applicant would need to expand on all the proposed uses to ensure they are permitted and a commission is aware of the multiple uses. The setbacks of this property are stated in 5.1 front yard is zero for town-center, side yard zero, rear is ten feet. On the parking side the applicant is purposing ten parking spaces based on the lay out of the property. One of the proposed spaces is handicapped. The parking classification used for these types of uses could be either of these. 1. Establishment of a personal service nature, which is one per two hundred gross square feet. The other is offices @ 1 per three hundred. The plans states that 1,636 gross square feet for the structure, and using the two hundred gross feet, the applicant would be required to provide nine spaces. They have provided ten parking spaces. I want to let you know this because if any of those uses are in there, weather they are under one business or one entity or not, we did go with the worst case scenario parking, of the maximum amount of the parking that would be required, so we used the one per two hundred. My "exo-"connecting the parking area and the street should be put with in 300'. This entrance

plan will be reviewed and approved by DELDOT, which the applicant is aware of. The outdoor lighting of off-street parking lot should be designed to shield adjacent properties from glare. The information wasn't provided in a written format nor addressed in the site plan, and I felt he could be identified on the preliminary site plan. Under bullet B, section 7.2.6, construction area. Individual spaces should be visibly marked with paint or durable material. 2. The applicant is required to provide curbing or wheel stops and they are not shown nor provided, that can be also addressed at preliminary. 3. Be designed, graded and surfaces for proper drainage management. It is unknown what the applicant is proposing for storm-water management. The applicant is not proposing to change the impervious surface of the existing location. Bullet C, section 7.2.7, landscaping requires at least 10% of the area, of a lot, usable for all off street parking should be devoted to landscaping with lawn, trees, shrubs, or other material. It is recommended that due to the amount of paved surface if you've seen that site, it's almost all paved. They provide landscape planters as well as landscaping along Federal Street. Another recommendation might be the installation of planter between the sidewalk and parking space #6 to break up the parking lot appearance. If recommended the planter should be an extension of the downtown historic character. That would break up the paving as a recommendation. D 7.3.2 off street loading and loading requirements requires a lot restriction to be occupied by many factory and commercial. Loading berths should be located to the rear of structures in such a way planning commission may allow the use of public right of way to satisfy loading berths. This will be discussed with the applicant as to the type of deliveries for their type of business. I feel that the applicant has plenty of room to put in a loading space for the preliminary site plan. It is understood the parking lot is for customers and employees and is proposed to be used as a storage area for vehicles and building materials as well. On the landscaping. The landscaping details are not shown on the site plan, need to be provided during the preliminary. It's recommended the applicant identify the type and size of proposed landscaping on the plan and the legend. It is further recommended that the applicant plant seasonal landscaping instead of just evergreen trees and I think you'll see that in the next submittal with Mr. Ashby. Lighting is not shown on the plan once again. Signage. The sign location, design and size have not been provided and item #5 is actually incorrect. There was some confusion as to whether it was in the historic district. It is not in the historic district. Therefore, he has provided all the signage. Structure, item #6. Enhancement to the structure is to enclosure of the two bay doors as well as painting windows and metal awning. During discussion with the applicant it was discussed that the bright paint for gold color on the Federal Street side, may be out of character for the downtown area. This is just an opinion. The applicant agreed we will be discussing the gold color tone with the commission as the town doesn't have design standards. Yet, he felt it would look out of place as well. The applicant should be commended for the proposed enhancements to the structure, especially without the town having design standard guide lines. Drainage. The existing site, note proposed increase on pervious surface we will then not review for water and sewer. That is the end of my comments. If you have any questions?

Linda Rogers: Does anyone have any questions? Bob I know this is not for you to review, but do you have any comments?

Bob Kerr: No. I have not looked at it. I guess the only thing would be a concern if the entrances along the street are closed with all the paving that's there using the landscaping

to keep someone from driving out of the parking lot across the sidewalk, across the curb would be a concern. So having the landscaping would be something beneficial in that matter also.

Debbie Pfeil: You're giving individual recommendations at this point so the applicant can come back for preliminary? You're not required to approve or deny as you have ...as we have not done that in the past. But you would be getting any kind of recommendations or thoughts or comments that he might take into consideration for the next round.

Dean Sherman: I make a motion to approve this conceptual plan

John Brady: You don't have to make a motion to approve. All you have to do is just continue with any comments and then move to the next topic. This sort of like a...here's what we're trying to do ...here's my ideas ....do you like it? Do you not like it? Or what would you like to see different? That's what came from my two life lines.

Linda Rogers: Does anyone have anything different to suggest to Mr. Ashby? Other than what's already been said?

Ted Kanakos: Can you make me a loan?

Linda Rogers: We will conclude this conceptual plan review and submit your preliminary to be brought before us again. Next item on our agenda is:

**a. Conceptual Plan Review – 127 Broad St.**

The applicant, Catholic Diocese Foundation, is requesting a conceptual plan review to construct an adult care facility at 127 Broad St. The property is zoned TC (Town Center) and is further identified by Sussex County Tax Map and Parcel # 2-35-14.19-87.00.

Linda Rogers: Is someone present on behalf of this?

Gary Cuppels: Good evening my name is, Gary Cuppels. I'm a registered professional land surveyor and a professional planner. I am here to represent Casa San Francisco this evening. Could someone put up an easel and we'll have some exhibits to show you, is that ok with you?

Linda Rogers: Yes, that's fine.

Gary Cuppels: Is it going to be easier to see here, or the other way?

Linda Rogers: Right there is good.

Gary Cuppels: Is that it? Terrific. Are we ok?

John Brady: Ok, just remember that tonight is conceptual for the concept plan. The Historic Preservation Board will be reviewing the demolition and replacement of the structure. They review the elevation and the structural plans. So, because that's in the Historic District. Your review tonight is basically just view full of ideas about what their proposing and the parking issues.

Gary Cuppels: Madam Chairman. Along with me this evening we have Leah Sullivan, who is the Program Director for Casa San Francisco here in Milton, and Ken Coleman of my office. Could I give you just a real quick run down on what we're proposing to do here. On your plans that is identical to the plan that I have here on the easel. We basically two site plans, one that shows you the existing facility that is known as 127 Broad Street. And, on the right hand side we show you what we are proposing to do with that site. As it stands right now, this is Tax Map Parcel # 2-35-14.19-87.00. Located obviously at the corner of Broad and Mulberry. The owner is the Catholic Diocese



Foundation. The lot size as it exists today is 12,736 square feet. The zoning is Town Center and this is a conforming use we are proposing as determined by the town zoning officer and your attorney. The current and proposed use I'm going to have Leah Sullivan, who is the Program Director give you about five minutes so you understand what is going on at Casa San Francisco. This is an existing facility, what we're simply doing is changing the buildings out. Ok?

Ted Kanakos: Are you increasing the numbers of clients at that location?

Gary Cuppels: I'm going to let Leah answer that.

Leah Sullivan: Hi, I'm Leah Sullivan. I am a licensed clinical social worker in the State Of Delaware, and the program manager, as Gary was saying of Casa San Francisco. I've been there for just over three years. I just want to talk to you just a little bit about Casa and it's history and the services we currently provide. And also some of the changes that I have made over the last three years. Casa opened in 1981 and was started by Sister Jackie Bercatto to really serve the poor and some of the migrant farm workers who were in this area at the time. Service is focused on basic needs, food, clothing, shelter and emergency financial assistance. In past years Casa has also provided senior services, in terms of a meal and activities for local seniors. An after school program, remedial, and adult GED preparation classes and English as a Second Language Classes. Our current services include emergency housing for adults, the Brown Bag Food Cooperative which distributes food to lower income households in Sussex County. Emergency financial assistance, emergency food pantry, and the English as a Second Language Class. Some of the changes that I've made to Casa just broadly, since arriving there in 2005, really involved the environment at Casa for our clients. Making it a place where people could actually achieve some goals and work toward change for themselves. Specifically, the changes that have gone on, that I think have really contributed to the changes and the overall difference in Casa, are the fact that we...and I'm going to go chronically in how we did this. The first thing that I looked at was the intake in the screening process for people that we house. That was beefed up and a process was added so there is now a personal interview. So we have an opportunity to have a personal conversation with somebody who is requesting housing from us. And all that is done before a decision is made to house that individual. We also have an opportunity to send the individual to the Milton Police Department for a mini criminal background check, before we make a decision to commit to housing. The other thing that we've done is, is really improved our case management process. I now have a Masters Level Case Manager who works with people through out their stay. Their stay is short term, it's 30 days. We currently house up to 10 people, five men and five women. Casa has previously housed twelve people. The next change that occurred was a change in staffing and how we staff the shelter at night. What we did is, we contracted with Resort Security to provide overnight guards seven nights a week. That has very much helped in terms of making sure that the premises is secure and that people are where they are suppose to be. The last change that occurred is the most recent change. In July of 2007, we discontinued the daily noon meal. It was a program that was not being well utilized by the target population, which was the seniors. Some of those reasons are that because of budget considerations we had to stop providing transportation. So seniors were just not coming anymore. We also were not able to provide the same level of activity for people during the day. As part of that process, we've also limited the community's access to Casa's facility. So if the community is

there, if people are coming, it's because they are volunteering or they are participating in one of our services that is going on at the time. Whether it is a seminar or a money management class or their picking up emergency food or something along those lines. All of those changes have made Casa a place where our energies can go into client outcomes, client goals, and helping people make the changes that they want to make in their lives. I do want to make sure that you understand that we are not trying to expand our service. We are not talking about increasing the number of beds except to return to the original twelve that Casa have. Any expansion that we have been doing has been primarily in our Brown Bag Food Cooperative and those have been off site. So for example we also distribute food from the American Legion in Lewes, from a church in Slaughter Neck. We will be distributing food from St. Ann's Church in Bethany Beach as well. So while we are expanding that, and trying to reach more people in Sussex County who need food, and help obtaining food it's not going to be from this site. What this building allows us to do is, provide the services that we are currently providing with adequate space, which we do not have right now. Are there any questions about the programming that I can....

Ted Kanakos: The question that I have now, we determined there will be only twelve beds.

Leah Sullivan: Yes.

Ted Kanakos: And you don't plan on expanding this number?

Leah Sullivan: No.

Ted Kanakos: Ok. Now it said your looking approval for an adult care facility, or this is what it is now. Adult care facility is simply for these people who stay there for up to thirty days? There are a number of adult care facilities, some that give out methadone's, some that do this, some that do that. You will be maintaining the same level of services that you do now, just in a new environment.

Leah Sullivan: That is correct.

Ted Kanakos: You're not adding services in any way, other programs that you can anticipate? That will really change the nature somewhere down the road? Your looking to maintain the status quos within the location?

Leah Sullivan: Yes.

Linda Rogers: Does anyone else have any questions?

Ted Kanakos: I have one more. What are you going to do with your clients when this is being ripped down? Are they going somewhere else?, or are you putting up a temporary facility or are they just not allowed in? And people from the local neighborhood as well.

Gary Cuppels: That's why we've shown you two plans. What our goal is to continue with the existing facility while building the new facility. When the new facility is built, we're going to demolish.

Ted Kanakos: That will be the new parking lot?

Gary Cuppels: That would get us the new parking lot.

Ted Kanakos: So, you're moving it down Mulberry St.?

Gary Cuppels: Moving it down Mulberry St. But half the lot. As you can see. Just about 50% of the lot.

Ted Kanakos: Now do you also have land across the street?

Gary Cuppels: Yes, we do.

Ted Kanakos: And that would be used for?

Gary Cuppels: Nothing.

Ted Kanakos: Nothing.

Gary Cuppels: Nothing. We did consider, perhaps an off site parking area and we decided that probably wasn't an appropriate use for that, so that's off the table. As a matter of fact, however, on this plan we do show an outline of where that additional land is. This is what we anticipate the new structure to look like. We retained the services of an architect by the name of Bill Byler. Bill Byler has a reputation for developing architecture in historic areas. That was his charter, I think, that is one looks at this, it completely compatible with the neighborhood. It's Victorian, it looks the same as the other residents up and down the street there. And again, I'm not an architect, I take no credit for the architecture, but I think he's hit the mark. As it stands, the first floor of this building will contain 3,376 square feet. That gross, that's not net. The second floor will be 2,877 square feet for a grand total of 6,253 square feet, and again it's gross, not net. The paved areas, as far as sidewalks and parking, there's 55,072 square feet or 44% of the total lot. Parking, there is no requirements. This is something that your planner has pointed out for off street parking in a Town Center area. There is no requirement, however, we did look at the number of employees that are normally part of the operation of this facility, and it's two. We've provided, if you just extract like that you would have two parking spaces for the employees plus a handicap. What we've done is, we've provided six parking spaces.

Ted Kanakos: There's a lot of volunteers who are driving. (Unintelligible)

Gary Cuppels: Right.

Ted Kanakos: At two locations.

Gary Cuppels: That's correct sir. The open space, there's about 3,788 square feet or about 30% of the area's left in open space. So that's the numbers for what it is we're trying to do here. We all know that the numbers, although they're important, there's other issues that we're here to discuss with you this evening. It's that any planning issues at the concept that you can offer to us so that we can amend our preliminary plan. It's our intention to turn this around pretty quickly and provide you with a preliminary plan, perhaps as early as your next meeting. We want to address the issues head on. We're here really to listen to you. You're probably tired of listening to me. But I can tell you this, I've been doing this for 40 years. I've done it in fire halls, I've done it in every kind of hall you can imagine. This is the first time I've ever did it in a theatre.

Louise Frey: How about most of your clients get to your site?

Gary Cuppels: I'm going to let that up to Leah.

Leah Sullivan: Clients arrive via public transportation. Some of them come through medical transportation that is available to them through their health insurance. Others are transported by programs that are designed to do outreach to the clients that we serve. And they are transported to our facility by them.

Louise Frey: Is there a bus that runs along Mulberry St.?

Leah Sullivan: No, the bus lets off right out actually right out front. People are directed to ... typically we have had contact with somebody who is coming. People don't just arrive site unseen so they have been given directions on how to arrive there.

Virginia Weeks: Do your clients have access to their rooms all day long?

Leah Sullivan: There is limited access during the currently and our current set up, because we have to walk through the bedroom areas in order to get to our offices and for

other reasons we want people to be out and doing the things that they need to be working on. We do not typically allow access to the bedroom areas during the day.

Virginia Weeks: At present what's not pretty over there, are the dumpsters. What are you going to do about dumpsters? Are they going to be in this parking lot up here?

Gary Cuppels: We'll recognize that. We are going to provide a screened area for those dumpsters.

Virginia Weeks: And where will that be located?

Gary Cuppels: I'm not sure, at this point what we've prepared is a conceptual plan that will be something that we will look at the preliminary plans submission to you. My guess is, it's probably not going to be too far from the building. So, it will probably be in that vicinity up against the building and probably surrounded with a privacy fence of some sort.

Virginia Weeks: I can't tell from the scale, is there room for a car or a vehicle to go behind the building?

Gary Cuppels: No.

Virginia Weeks: What is the rear set back?

Gary Cuppels: 10 feet.

Ted Kanakos: You are asking for 6,253 square feet? What is the present square footage? Do you know what you have now at your facility?

Gary Cuppels: It's a little difficult to.....

Ted Kanakos: Well, I want to know if you're doubling your size.

Gary Cuppels: No, No, No. It's...I'm going to, we had a rough calculation that it was around 4,200 square feet.

Ted Kanakos: So you're going up a.....

Gary Cuppels: Basically 25%. Somewhere in that vicinity.

Ted Kanakos: From 4 to 6. Ok.

Linda Rogers: Does anyone else have a question?

Michael Filicko: Leah, I would just like to commend you for the work that you do for those less fortunate than the people that are here in this room right now. I think it's a very wonderful thing.

Virginia Weeks: I have a comment, if I may. Before I make my comment, I want you to understand that I was on the board of a similar institution in New Hampshire. That all my adult life, until I came here, I have always...and my children have worked in soup kitchens. We are not unsympathetic to what you do, and we commend you for it. However, I will start out, and I will be the first to say it. I don't like this plan. The reason I don't like this plan is, I don't like a parking lot dominating a corner. A corner that is surrounded by residential areas. I think that it is just begins to destroy the feel and the streetscape and the feeling of the ages that Milton has. I have a great deal of trouble with that. Adding to the house that's there, expanding it, fixing it up, doing that, I don't have a problem. But a corner parking lot, I can't...our ordinance....the purpose of one of the things that our ordinance says....The purpose of the zoning ordinance is....The second thing says, protecting and preserving the architectural and historical character of Milton's built environment and extending this character's growth occurs within the town and through it's annexation. I can't tell you that I could ever like something that your going to take a residence away from a corner of a residential street and put in a parking lot. It's just not creative thinking. A big void and something that's not pleasant. Thank you.

Linda Rogers: Does anyone else have any comments?

Bill Brierly: Will the landscaping be done in such a way as to go around the perimeter of the parking lot as something of a screening?

Gary Cuppels: Yes, it certainly can. That is part of the preliminary plan, again that we're going to propose. But I'd like to answer your question very directly. What you've thrown out isn't new to us. When we looked at this because of the operationist, Casa San Francisco has been in continuous operations for over 25 years. Right here in downtown Milton. The need is there. The need is there twenty-four seven. So, demolishing the existing structure going someplace else won't work. We've already looked at that. So what we needed to do was somehow or another configure this so that the existing facility could continue until it was finished, or our new facility was completed and then demolish it, the old structure. If you look at the old photos, that are part of this plan submission, you'll find that there already is a parking lot in the front of the structure. What screens it, is the existing house.

Virginia Weeks: There is a double driveway.

Gary Cuppels: There is a double driveway there, yes there is. It's used for a parking lot now. What we anticipate doing, would be to screen that with very significant landscaping. As you can see, in the site plan, there's lots of room to do that. The alternative, is to just provide that as a park or landscaped area and to not have on site parking. There is no requirements for us to do that. We've put that on because it is a convenience for the staff and for a means for providing egress and ingress to the facility other than the front door. So that's sort of our thinking there, it could have been a driveway. Could very well be, but it seems to us that perhaps landscaping it, as Mr. Brierly has suggested, is probably the best solution for this facility. It's probably not an ideal situation, I grant you that. But under the circumstances considering the site that we have, it would appear to me that is probably the best option. If there's some other option, as far as just putting a driveway in, you know, we're more than happy to do that.

Virginia Weeks: This is a concept plan, and we're suppose to tell how we feel and what we feel about it.

Gary Cuppels: Right. Please we're not trying to defend the plan.

Virginia Weeks: If you could elevate my feelings, that would be wonderful. But as it is, a parking lot on a corner like that, I find very disturbing to the residents around it. I mean your parking lot now is sort of hidden, it's not visually impacting you the way this will.

Gary Cuppels: It's completely on the other side of the site. It's over here. (Gary shows on drawings where it is) Yes, your correct. If there's some other suggestion, as to how best to address that, we're here tonight to listen to you. That's why they call it concept, I agree with you.

Ted Kanakos: Where...are there any facilities for delivery vans or trucks? The house itself looks like a regular house but I don't see any major side doors or things like that.

Gary Cuppels: It does not require that.

Ted Kanakos: So they will park right on the....Mulberry St and bring stuff in.

Gary Cuppels: They will park out front or as you can see we have a driveway they can pull up and ...

Ted Kanakos: They can. All right. So that would be beneficial to the trucks.

Gary Cuppels: Right. However we do have significant areas to landscape in this area here, as well as in the front.

Ted Kanakos: Well, there should be a buffer zone between that and any properties that are there.

Gary Cuppels: Right.

Ted Kanakos: Especially on Broad Street.

Gary Cuppels: As it stands right now, these properties are almost on top of one another. The photographs I think pretty well show how the existing structure is sited with regard to the structure on the other side of the fence.

Linda Rogers: Does anyone else have any comments?

Virginia Weeks: Linda, I have another comment. This is for the attorney. This is a major change to this neighborhood and I realize that at first a preliminary site review with no public hearing is required or anything else, but could we not have a public hearing to see how the neighbors feel about this?

John Brady: When it comes to a preliminary site plan review, a public hearing is required. When it is being presented as a concept plan, no public hearing is in the ordinance.

Virginia Weeks: Thank you.

Linda Rogers: Does anyone else have any comments before we hear Debbie's?

Louise Frey: I do, I have a question to ask. This has to go before the Historic Commission?

John Brady: Yes.

Louise Frey: It does? So no matter what we do tonight, we go before them and they say, No you can't tear the building down?

Debbie Pfeil: That's correct.

Louise Frey: Thank you.

Virginia Weeks: Do we know when this is going to go before them?

Debbie Pfeil: We're just getting site comments tonight and you are aware, the structure will be a Historic Preservation Board.

Virginia Weeks: I want a copy of that.

Debbie Pfeil: Correct.

Ted Kanakos: Excuse me.

Debbie Pfeil: I'm sorry, Mrs. Weeks did you have a question, we couldn't hear you down here.

Virginia Weeks: I was just wondering, do we know when this is going before them?

Debbie Pfeil: According to section .....I read that to you earlier prior to the meeting, let me read it again.

Virginia Weeks: The reason I'm asking is, if they should not get permission to have this demolished, I would hate...I would like to see that, if possible, that meeting occur before they come back to us. Because it's a lot of money to do site plan.

Debbie Pfeil: Your current code says it will come back after it will go to the Preservation Board after preliminary. The applicant will be coming to you for preliminary and then it will be going to Historic Preservation Board. That is the current code requirement.

Virginia Weeks: Thank you.

Debbie Pfeil: Yes.

Linda Rogers: Does anyone else have a comment?

Linda Rogers: I would like to make one. I live on Mulberry St. I think this would be a defiantly asset with what we have and what we've had to look at. For all the years that

Casa has been going on. With adding and growing, adding and growing. I think a parking lot could be screened very with landscaping. As far as the parking lot being on the corner, I don't think it makes any difference to the residence there whether it's on the corner or whether it's behind the house. As long as the entrance and exit off that parking lot are done safely and with Del. Dot. Approval. So the house, I mean the design looks better than what's there. So I don't see why we can't improve Mulberry by building something better than what's there. Whether it's an old building or a new building, this looks more in character than what's there. So, I think it will be an asset to Mulberry St. myself. You all do wonderful work. I've never had any problem, and I've lived there for all my life. Right across the street, isn't there an antique store on the other corner?

Gary Cuppels: Across the street, caddie corner, there's a boarded up house. No, I mean, directly across Broad Street.

Gary Cuppels: Yes, I think that there is. There is some sort of commercial enterprise there, of what, for sure, I don't know what it is. I'm not either.

Linda Rogers: I don't know either, but they made it look nice...

Gary Cuppels: But there is something there. Clearly.

Debbie Pfeil: Sure. Ok. Edmunds is Proposing a 6,253 two story square foot adult care facility on .29 acre parcel. The parcel is located the Town of Milton currently in the Town Center and is in the Historic District. Historic Preservation Board will be reviewing the demolition and replacing the structure in the Historic District. They will be reviewing a elevation and structural plans. This plan was not reviewed by a water and sewer utility service and their review will completed by the town engineer during preliminary. The code by the town of Milton Article 6.1.3.1 conceptional requirement reviewed for compliance listed below are the missing items stated in this section. It is recommended the applicant provide these on the preliminary plan as this was to scale and that's just the dimensions of the property. But it was a scale drawing. **Item 2** The Town of Milton article an adult care facility under special uses. Further review, upon further review from the town attorney, the facility is in operation at this time based on issuance of C of O from the town and meets the definition of adult care facility in section 2.1. **Item 3.** The applicant has provided an elevation plan as a courtesy to the Planning Commission to include the **street safe** conditions of the neighborhood to compliment to site plan. Have the structure review once again by HPB as required by the town Milton code. The zoning requirements, I think I've covered that. The adult care facility was determined to be a permitted use. Set backs, the front yard is zero the side yard is zero and the rear is ten. Under parking, this is where will have to have the discussion. I do want to clarify, it does not mean that the applicant is not required to have any parking. I want this spelled out clearly. The applicant is proposing 6 parking spaces based on the layout of the property. One of the proposed spaces is handicap. This type of use is not listed in the table of required off street parking spaces by permitted use. This need....this needs to be discussed at the Planning Commission to determine the appropriate classification or discuss the number of needed spaces with the applicant based on the operations of the facility. What we're saying there, is, we could select several different classifications to have this work, however, it would be more of one and less than another based on operations. So if we cannot come up with a classification category with discussing with Mr. Kerr the items we want, it will be up to the Planning Commission to determine if the waver in the Town Center would be eligible. One appropriate the Planning and Zoning

Commission may upon the presentation of evidence, vary the number of circumstances the following parking space requirements. In order that the general welfare be served and the pro uses be equitably treated. The other comment is that after lighting of off street parking lot should be designed to shield adjacent properties from glare. This information was not provided or written nor addressed in the site plan, but it can be identified in the preliminary plan. **Section 7.2.5 Off-Street Parking Waiver.** Off-street parking requirements may be waved in full or in part upon the finding of the Planning and Zoning Commission that the area in question is in the Town Center District. Under construction of parking areas, the applicant is required to provide curbing or wheel stops, and they are not shown nor provided – once, again, that can be addressed at preliminary. It has to be designed, created and surfaced for property areas – it is unknown what the applicant is proposing for storm water management. We need to find out where the drainage runs on this. At this point, I want to say another thought the Planning Commission may want to entertain or the applicant is that if you chose not to have an entrance on Mulberry Street, you would not have to go before DelDOT other than to close the entrance and you may be able to get additional parking or additional open space. This is a thought for the Planning Commission or the applicant if the applicant chooses to go in that direction for preliminary. The other thing is on the buffering, I would probably agree with the recommendations from the Planning Commission in the buffering of the neighboring properties. It is unknown in zoning and during the preliminary it would be determined that the zoning of the neighboring properties and what the appropriate buffer would be in the Town Center. You are aware there will be a public hearing so the neighbors will be notified and they can come in and make comments on the type of buffering they would like to see if the effort is to make contact with them to get direct input. I would need the applicant to define the front of the property and if it is going to be on Mulberry or Broad Street. The front driveway is facing Mulberry.

Gary Cuppels: I think the address will change from Broad Street to Mulberry Street.

Debbie Pfeil: So Mulberry would be the front to determine the front door as well.

Gary Cuppels: Otherwise it would be a short side entry and I do not know that you would want to do that.

Debbie Pfeil: If that is the front, in that case it would have to be 100 feet back which is the minimum depth. That is something you want to look at addressing at preliminary

Gary Cuppels: I think what will probably be will how the postal service will view this at the end of the day. Okay, it is a post office box so it can still stay 127 Broad Street.

Debbie Pfeil: Not dealing with the mail, but what you want to look at what is the front and what is setback. Mr. Curtis brought up a good point. If the front yard is going to be off of Mulberry, then your rear is going to be ten feet which would be the neighboring property to the rear. It is hard to explain but if it is going to be off of Broad Street, your rear to the lot facing Mulberry is going to have to be ten feet. You might want to consider what you are considering the front with your setbacks for clarification. Landscaping, 10% of the area will be considered during the preliminary. Off-street loading and unloading was determined tonight. The Planning Commission may allow the use of public right-of-ways to satisfy loading berths or in the case a parking lot as well if you choose to. Landscaping buffering, once again once we have the zoning. The sublots are shown on the plan to be built to DelDOT. Anything on Mulberry Street would have to be approved through the DelDOT processes you are familiar with. Landscaping, I hit again. Lighting,



I hit again. Open spaces – a note on the site data that is missing and I think we figured out why – says open space of 16,332 sq. ft. I was thinking you were including the lot across the street. That was a typo.

Gary Cuppels: Actually someone copied that table off another plan and then never edited it out.

Debbie Pfeil: The same thing we discussed at a preliminary is the sign. The sign location design – if a sign is proposed that would have to go to Historic Preservation Board. You may want to do that at the same time as the elevations. If not, you can resubmit for the sign. I think you are aware of that as well. An approval media is required from Sussex Conservation District. Comments will be provided for the Historic Preservation Board on approval on this structure after a preliminary to the Planning Commission for the final. That was all of my comments.

John Brady: My comments are not in writing so now you will hear them. How I got the Adult Care Facility: The Town Center Ordinance was adopted in the recent 10 to 12 years from my research. This has been in existence since 1981. Going back to the old codes and the old zoning ordinances, it appeared to be a permitted use in the old district. When it was re-districted, it became a permitted use. The best I could find was adult care facility and I made that ruling based on a preponderance of the services that were provided. As you heard tonight from Ms. Sullivan, the services are provided from a preponderance – I took out the food bank. They said tonight they were phasing out that operation to a smaller thing. It was the overnight – and I called it care – for up to 12 residents. That is how I came up with adult care facility because there were some meals provided and they were in the concept word of care – that is where it fit in. When you do a new code and you have a permitted use – if you were going to specifically eliminate a use and leave it as grandfathered, that would be a note in the code and that wasn't. So I tried to figure out and make sense of what the code was when it was adopted. To the extent that it leaves you two things to be determined when it comes back to preliminary site plan which are as follows: As Ms. Weeks brought up the issue regarding parking, there is no specific number of parking spots allocated to an adult care facility in the zoning code. You will have to make a determination. The flexibility under Town Center allows the big parking lot that is off of Bodies' and allows for facilities that are in Town Center to use some of that space. So you can determine whether or not you want any parking, a small amount of parking or whatever. That is a determination that is within your function in Planning and Zoning that will not be done by Historic Preservation. Historic Preservation has to first – after your preliminary site plan, will review the plans and approve or disapprove the demolition and the replacement structure. After that is done, I cannot project what happens there. I can only tell you what the process is. The next step in the process is they come back here for preliminary site plan approval. Then it goes to Historic Preservation. Then, we will see where it goes from Historic Preservation. I have tried to lay it out as clearly as how I was thinking in reviewing this when this came in because reading the old code and the new code – there is a Latin term called *impare materiel* and it means trying to make sense of all three documents to figure out what was trying to done with this facility. I hope that answers some of the questions you may have of how they have a definition of adult care facility when we don't have a community center and we don't have any other types of those definitions and their code. I had to

place it with what I think they were trying to do as they evolved the code from 1981 to now.

Ted Kanakos: The facility you have now. You have a big outdoor walk-in freezer in the parking lot and that will disappear, I hope, and will not be part of the new facilities?

Leah Sullivan: That currently does not work. My understanding is that we do not have a walk-in freezer in this plan.

Gary Cuppels: Madam Chairman, if I might ask, parking does seem to be a focal issue. What I don't want to do is to go back with our preliminary plan and have anybody on this Board disappointed in what we have done. We are happy to respond to the parking requirements that you folks may inflict for a lack of a better word. We are more than happy to that. We have provided six. Six is easily provided there. As far as the access off of Mulberry, quite frankly I think we probably need that. Just from the circulation standpoint, I think I would rather have that. If however, you as a Planning Commission, tell us that you would rather not, we are more than happy to accommodate those concerns.

Ted Kanakos: How many parking spaces do you have now in that other lot, in the current lot, do you know?

Gary Cuppels: There are no designated spaces. I think you could probably park ten cars. They would not be legal spaces by any stretch of the imagination but you could probably get ten there. You would be parked every which way but you could probably do that. On here, we have organized the parking and it meets the code requirements for parking lots.

Ted Kanakos: Well, you have to have some egress and ingress for garbage pick up, right?

Gary Cuppels: Sure you will. And for other supplies. Obviously, groceries will come there. You are going to take them in the side door rather than the front door. I don't draw a big distinction between this and a residence. You don't take your groceries through the front door; you take them through the back door.

Linda Rogers: I think you would want to keep your entrance on Mulberry Street because Broad Street is a one-way street and it is narrow. I don't think you want to add traffic on Broad Street if you don't have to. If DelDOT will allow you to keep the entrance on Mulberry Street, it would be a better plan.

Gary Cuppels: I believe they would allow that to continue. We probably will be shifting one of the entrances.

Ted Kanakos: You are proposing to take two entrances or exits off Mulberry and put one on Mulberry and one on Broad.

Gary Cuppels: We already have one on Broad and we have two on Mulberry. We are going to lose one point of ingress. Thank you Very Much for your time.

Virginia Weeks: Motion to adjourn.

Linda Rogers: Motion to adjourn, is there a second? A second. All in favor?

All I's.

Meeting adjourned at 7:58 p.m.

